



T-Mobile USA, Inc.
601 Pennsylvania Avenue, Washington, DC 20004

February 26, 2019

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: WRITTEN EX PARTE PRESENTATION
WC Docket No. 10-90: Connect America Fund
WT Docket No. 10-208: Universal Service Reform – Mobility Fund

Dear Ms. Dortch,

The Rural Wireless Association (RWA) continues to make false and procedurally barred misrepresentations about the 4G LTE coverage information T-Mobile USA, Inc. (T-Mobile) has provided to the FCC as part of the agency’s Mobility Fund Phase II (MF-II) challenge process.¹ RWA recently expanded its untimely and baseless complaints regarding the Mobility Fund II (“MF II”) mapping process to implicate T-Mobile’s customer-facing network coverage maps. Contrary to RWA’s claims, T-Mobile’s wireless coverage maps accurately depict service levels consumers can expect throughout the United States. RWA’s latest claims also reference a report from the Vermont Department of Public Service (PSD) regarding mobile wireless coverage in that state.² The PSD report offers a helpful illustration of Vermonters’ lack of access to ubiquitous mobile broadband service. But the PSD report does not meet the criteria for an MF-II challenge and, in any case, does not support RWA’s allegations of fraud.³ The Commission should dismiss RWA’s claims as both false and procedurally barred.

¹ T-Mobile USA, Inc. is a wholly-owned subsidiary of T-Mobile US, Inc., a publicly traded company.

² See *Ex Parte* Letter from Caressa Bennet, General Counsel, Rural Wireless Association, Inc. to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 18-197 & 10-208, WC Docket No. 10-90 (filed Feb. 13, 2019) (“RWA Vermont Coverage *Ex Parte*”); see also *Ex Parte* Letter from Caressa Bennet, General Counsel, Rural Wireless Association, Inc. to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 10-90 & 18-89, WT Docket Nos. 10-208 & 18-197 (filed Dec. 10, 2018); Rural Wireless Association, Inc. Informal Request for Commission Action, WC Docket No. 10-90 & WT Docket No. 10-208 (filed Dec. 26, 2018) (“RWA Informal Request”); *Ex Parte* Letter from Caressa Bennet, General Counsel, Rural Wireless Association to Marlene H. Dortch, Secretary, FCC, WT Docket No. 10-208 & WC Docket No. 10-90 (filed Dec. 28, 2018); Reply to Response to Informal Request for Commission Action, WC Docket No. 10-90 & WT Docket No. 10-208 (filed Feb. 6, 2019).

³ RWA inappropriately submitted its *ex parte* letter in the Sprint-T-Mobile merger proceeding in addition to the FCC’s Connect America Fund and Mobility Fund dockets. RWA’s alleged concerns do not “arise from the

I. T-Mobile’s Publicly Available Coverage Tools Provides Consumers with Easy-to-Understand and Comprehensive Data on Network Availability.

T-Mobile prides itself on offering its customers simple, easy-to-use tools that provide accurate and user-friendly information about its network coverage and performance. But in a series of false submissions across multiple, unrelated FCC proceedings, RWA has questioned the accuracy of T-Mobile’s maps. In its most recent filing, for instance, RWA cited maps prepared by the Vermont Department of Public Service (“PSD”) in anticipation of the MF II challenge process for the unrelated proposition that T-Mobile’s consumer-facing service maps are inaccurate.⁴ The Vermont PSD study measured coverage by all Vermont carriers, not just T-Mobile, and was prompted by the MF II challenge process, which is still incomplete. The Vermont PSD itself stated that it “makes no guarantee to the accuracy of [the] information” provided in its coverage maps, including the coverage map for T-Mobile.⁵ And the PSD admits within the filing that its data collection methods were not completely consistent with the requirements for the MF II challenge process. Nonetheless, there now exists some confusion regarding the MF II mapping process and how it relates to T-Mobile’s consumer-facing coverage maps. Congressman Peter Welch (D-VT, At Large), for example, recently questioned the accuracy of T-Mobile’s consumer-facing maps by comparing them to MF II data.⁶ As discussed in greater detail below, T-Mobile’s coverage maps are accurate, and questions recently voiced by Rep. Welch can be resolved by using the one-click zoom feature on the T-Mobile website.

The national and regional maps T-Mobile offers on its website answer whether or not a subscriber can make or receive voice or basic data services in a given area—in other words, the maps offer data about the presence or absence of basic connectivity for T-Mobile subscribers. T-Mobile’s national and regional maps do not attempt to distinguish on-network coverage from off-network roaming coverage, nor do they try to relay the level of in-building penetration a user might anticipate in a given area. Providing excessive detail at the lowest levels of resolution would risk presenting inaccurate data about the network at any given location and would frustrate the user’s ability to readily understand information about the presence or absence of network coverage.

transaction,” are irrelevant to the license transfers and therefore are not merger-specific. *See, e.g., Verizon Communications Inc. and MCI, Inc. Applications for Approval of Transfer of Control*, Memorandum Opinion and Order, 20 FCC Rcd 18433 ¶ 19 (2005). T-Mobile asks the FCC to strike RWA’s filing from the merger docket.

⁴ *See* RWA Vermont Coverage *Ex Parte*.

⁵ The Vermont PSD further explains that the coverage maps do not compare a provider’s Mobility Fund Phase II maps to its drive tests. Instead, the Vermont PSD compared each provider’s Form 477 data as of December 31, 2017 to the drive tests conducted in October and November 2018. The Form 477 and MF II data collections are different data sets with different instructions and different purposes. Contrary to RWA’s suggestion, the Vermont PSD coverage maps thus shed no light on the accuracy of any provider’s MF II 4G LTE coverage data.

⁶ *See Consumers and Competition: An Examination of the T-Mobile and Sprint Merger: Hearing Before the H. Comm. on Energy & Comm. Subcomm. on Comm’n’s & Tech.*, 116th Cong. (2019), <https://bit.ly/2TMKwjl> (last visited Feb. 20, 2019).

T-Mobile’s wireless coverage maps do not stop at the national or regional levels of resolution, however. Instead, a user can enlarge T-Mobile’s Geographic Information System (“GIS”) maps on a computer screen with a click to gain more detail about particular areas of interest. The state and local maps that appear following a click on the zoom icon present a colorful visual display that distinguishes between T-Mobile network coverage and off-network roaming coverage. And when an end user clicks on the map itself at lower levels of resolution, even more granular data appears in a text box, including whether T-Mobile or its roaming partners provides coverage; whether the service is text and non-LTE data or LTE data; whether coverage extends only outdoors or indoors too; and more. The maps are also verified by consumer data when it is available and verified areas are clearly indicated.

The national and wide-area regional maps are easy to understand because they offer binary representations about the presence or absence of basic connectivity for talking and texting, but they do not provide as much detail about the extent or quality of coverage as the state and local maps do. The state and local maps require more time to understand but offer much richer data about the types of coverage an end user will experience in any given area compared to the national and regional maps. T-Mobile’s online mapping utility, then, seeks to provide the greatest possible transparency to existing and future subscribers: the maps on T-Mobile’s website offer both the essential characteristics of coverage information at lower levels of resolution and—with a few clicks—extraordinarily granular information about the availability of on- or off-network coverage, signal strength, and service performance at higher levels of resolution.

Four network-coverage maps reproduced from T-Mobile’s website are attached to illustrate this point.⁷ Appendix A shows a regional coverage map for Vermont and is similar to the map produced by Rep. Welch at the hearing.⁸ This regional map shows information about baseline coverage for talking and texting for T-Mobile subscribers. The regional map is binary for ease of understanding: that is, coverage either exists or it does not, and no distinction is made between on-network and off-network service. Appendix B shows a state coverage map for Vermont.⁹ The state map distinguishes three types of coverage: (i) on-network coverage, which is shown in deep magenta; (ii) off-network, domestic roaming coverage, which is shown in light magenta with hash marks; and (iii) off-network, international roaming coverage, which is shown in a darker shade. Appendix C and Appendix D, meanwhile, provide much more granular information about coverage in the City of Woodstock, Vermont.¹⁰ Appendix C shows the availability of on-network 4G LTE data services at top data speeds and HD Voice call quality available at 3961 Hartland Hill Road in Woodstock.¹¹ Appendix D shows that, at 6001 Worden Road, T-Mobile relies on a roaming partner to provide talk, text, and non-LTE data connectivity to customers.¹²

⁷ See Apps. A-D; *see also* Personal Coverage Check, <https://maps.t-mobile.com> (last visited Feb. 20, 2019).

⁸ App. A.

⁹ App. B.

¹⁰ Apps. C and D.

¹¹ App. C (the map assuming the customer is using an LTE-capable device). This map and all other T-Mobile online coverage maps include an FAQ link to a national-level partner coverage map at all levels of resolution.

¹² App. D.

As the appendices demonstrate, the type of low-resolution, static reproductions of images taken from online maps displayed during a recent congressional hearing do not begin to capture the dynamic, high-resolution visual imagery that the variable-scale GIS mapping utility on T-Mobile's website actually offers. T-Mobile's online maps provide a wealth of detail about coverage and performance. T-Mobile has invested considerable time and resources into this visual display of network performance information and stands by the accuracy and completeness of its data and its maps.

II. RWA's Objections to T-Mobile's MF-II Coverage Data Are Incorrect.

RWA's claims that T-Mobile has provided incorrect information about its coverage to the FCC are false, and the Vermont PSD coverage study does not support RWA's claims. RWA's repetitive, inaccurate submissions seem more concerned with delaying the MF-II process than deciding the issues on their merits. RWA's members benefit from delay because postponing an MF-II decision prolongs the ability of RWA member companies to continue receiving government subsidies for last-generation network technologies.¹³ RWA's latest assault against the evidentiary and procedural safeguards designed to protect the MF-II process against abuse should be denied.

T-Mobile's coverage maps complied with the FCC's requirements for the MF-II challenge process. T-Mobile submitted polygons in shapefile format representing geographic coverage nationwide (excluding Alaska) for 4G LTE deployed in each frequency band and bandwidth as of December 2017. T-Mobile's polygons represented outdoor 4G LTE coverage, as defined by download speeds of 5 Mbps at the cell edge with 80 percent probability and a 30 percent cell loading factor. The shapefiles used terrain and clutter data with a resolution or BIN size of no greater than 100 meters to generate coverage boundaries. T-Mobile followed all of the FCC's instructions for formatting its shapefiles. RWA has not disputed that T-Mobile followed the FCC's procedures in submitting its shapefiles, but relies on various ad hoc data, including a study prepared by Vermont, as the basis for its latest untimely challenge to T-Mobile's MF-II submission.

At the outset, T-Mobile wishes to be clear that it has no objection to efforts by the Vermont PSD to try to document carrier coverage in its state. The Vermont PSD study measured coverage by all Vermont carriers, not just T-Mobile, and is useful in showing that the state could benefit from additional coverage and service-provider competition. T-Mobile looks forward to working with the PSD to confirm T-Mobile's commitment to rural communities.

That said, the Vermont PSD report suffers from at least two limitations that demonstrate why the report is ill-suited to the MF-II challenge process.

First, the PSD did not compare its drive tests to providers' MF-II coverage submissions. The PSD report instead compares drive tests conducted in October and November 2018 with service

¹³ T-Mobile also does not know if the PSD has challenged T-Mobile's coverage data because the FCC has not yet opened the window for parties to respond to challenges. T-Mobile will respond to MF-II challenges, if any, when the FCC opens a response window in which to address them.

providers' Form 477 data as of December 31, 2017.¹⁴ The entire point of an MF-II challenge is to compare test data against a party's MF-II submission. But the PSD report simply makes no assessment of any provider's MF-II submission, which prevents the study from serving any purpose in the MF-II context.

Second, the PSD study did not follow the test methods the FCC required of all MF-II challenge submissions. The FCC requires that a challenger's speed test points capture at least 75 percent of locations within a challenged block.¹⁵ Of the limited number of census blocks PSD tested, only 13 percent met the FCC's 75 percent testing threshold.¹⁶ The small number of testing points as well as several other limitations results in the PSD testing falling well short of applicable FCC testing requirements for MF-II submissions. The FCC's rules help ensure any comparisons provide a fair assessment of real-world conditions over time rather than an artificial snapshot that is overly favorable or unfavorable to the new applicant or the incumbent; however, limitations in the PSD's approach prevent the study from providing the degree of accuracy the FCC has required.

The Vermont PSD testing can still serve the valuable purpose of identifying opportunities for more intensive wireless deployment, but the PSD did not follow the procedures necessary to generate sufficiently reliable data. Therefore, RWA's reliance on the PSD data is misplaced, and the association's claim that T-Mobile has defrauded the Commission has no basis in fact.

III. RWA's Objections to T-Mobile's MF-II Coverage Data Are Procedurally Barred.

RWA's objections do not follow the procedures the FCC adopted for challenging areas as ineligible for MF-II finding. Under the FCC's MF-II procedures, mobile wireless service providers submitted coverage data on qualified 4G LTE service in January 2018.¹⁷ Using these submissions and other data, the FCC then identified geographic areas ineligible for MF-II support.¹⁸ The FCC subsequently opened a challenge window to object to the agency's determinations in March 2018, and allowed additional comment through November, 2018.¹⁹ The

¹⁴ See RWA Vermont Coverage *Ex Parte* at Ex 1.

¹⁵ See *Procedures for the Mobility Fund Phase II Challenge Process*, Public Notice, 33 FCC Rcd 1985 ¶ 20 (WCB, WTB Feb. 27, 2018).

¹⁶ The FCC rejected challenges to 1,879 of the blocks PSD tested (or seven percent of all ineligible blocks). *Id.* The FCC agreed to review 4,186 of the blocks PSD tested (or 16 percent of the ineligible blocks in the state) based on PSD's study but only "provisionally accepted" the vast majority of these blocks (3,397 of 4,186 total accepted blocks). *Id.* In sum, the FCC has only definitively accepted for challenge three percent of the ineligible blocks in the state (or 789 blocks) based on the PSD meeting the FCC's 75 percent threshold in the 3,397 provisionally accepted blocks. *Id.*

¹⁷ See *Procedures for the Mobility Fund Phase II Challenge Process*, Public Notice, 33 FCC Rcd 1985 ¶ 2 (WCB, WTB Feb. 27, 2018) ("*Challenge Process Public Notice*").

¹⁸ *Id.*

¹⁹ See *Mobility Fund Phase II: Challenge Process – High Cost Program*, <https://www.usac.org/hc/MFII-challenge-process.aspx> (last visited Feb. 23, 2019).

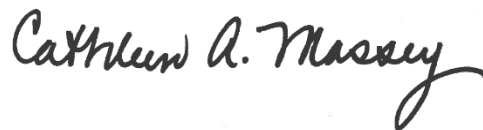
FCC's rules provide a 30-day opportunity for service providers to respond, but only after the FCC opens a response window, which has not yet occurred.²⁰

RWA has repeatedly tried to sidestep procedures the FCC adopted to promote data integrity and a reliable and timely adduction of evidence. On December 26, 2018, RWA filed an untimely "Informal Request for Commission Action" regarding areas excluded from the FCC's MF-II eligible areas list based on T-Mobile providing mobile broadband service to the identified areas.²¹ As T-Mobile has explained previously,²² RWA did not follow the rules for submitting a challenge and its complaint must be dismissed.²³ On February 13, 2019, RWA filed yet another procedurally improper challenge to T-Mobile's MF-II showings.²⁴ In its latest submission, RWA claimed that T-Mobile overstated its 4G LTE coverage in Vermont. RWA pointed to the PSD data to imply that T-Mobile overstated its coverage data in response to the MF-II challenge process.²⁵ But, again, the PSD report cannot support RWA's claim that T-Mobile provided incorrect coverage data because the report failed to properly follow the FCC's challenge process in the vast majority of eligible blocks.

* * *

RWA's improper, false claims warrant dismissal.²⁶ Entertaining RWA's claims would not only consume scarce Commission resources, but also impose costly and time-consuming burdens on RWA's targets to the ultimate detriment of consumers and the public interest. T-Mobile is filing an electronic copy of this *ex parte* letter in the above-referenced dockets under section 1.1206(b)(2) of the Commission's rules.

Respectfully submitted,



Cathleen A. Massey
Vice President, Federal Regulatory Affairs

²⁰ *Challenge Process Public Notice* ¶¶ 43-44.

²¹ *See generally* RWA Informal Request.

²² *See, e.g., Ex Parte* Letter from Cathleen A. Massey, Vice President, Federal Regulatory, T-Mobile US, Inc. to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-90 & WT Docket No. 10-208 (filed Jan. 30, 2019).

²³ *Id.* at 1-3.

²⁴ *See* RWA Vermont Coverage *Ex Parte*.

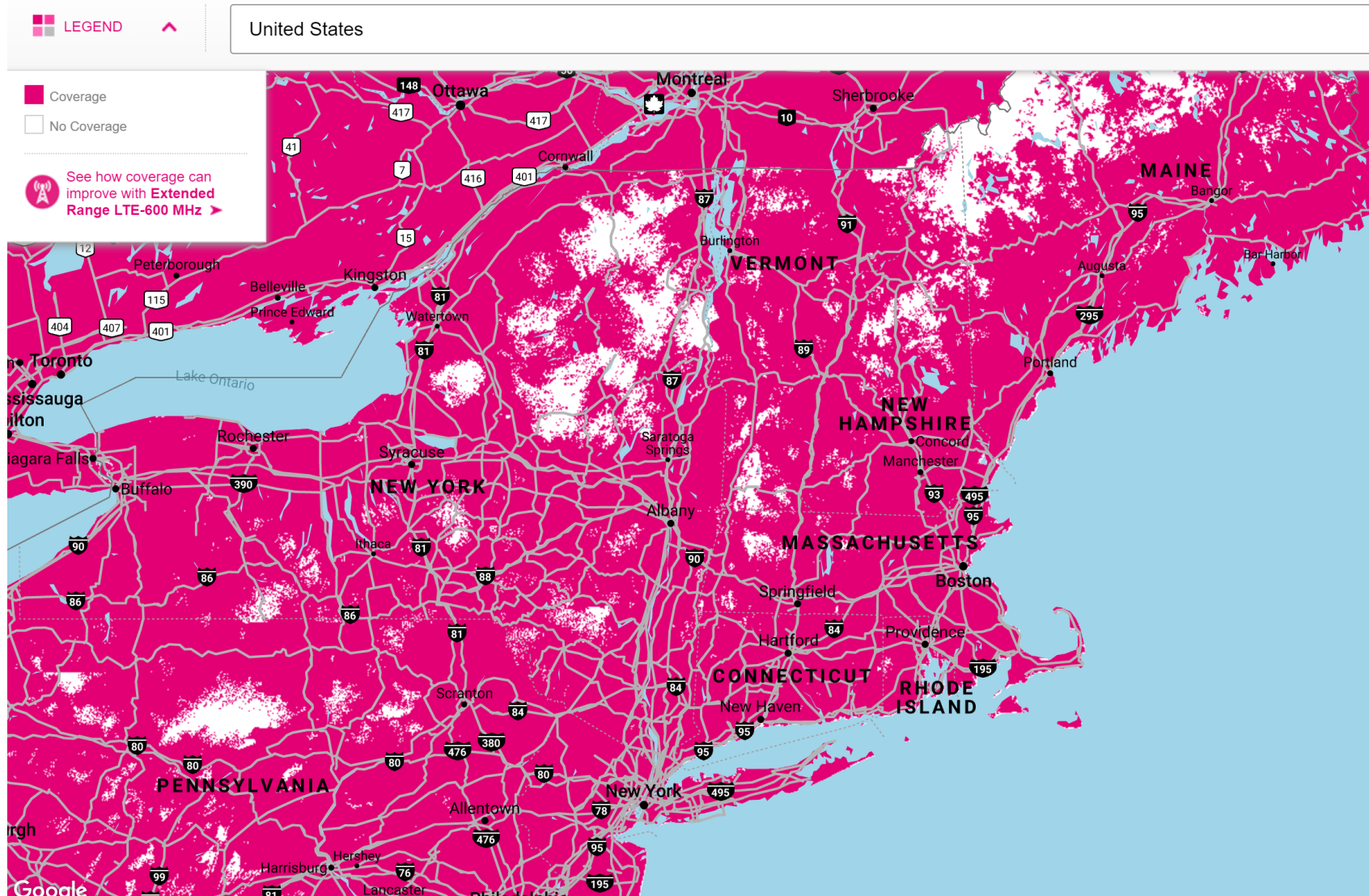
²⁵ *Id.* at 2.

²⁶ The Commission need not consider repetitive or frivolous petitions. 47 C.F.R. § 1.52(e). As the Commission has long recognized, "[a]n agency is not powerless to prevent an abuse of its processes," and it "need [not] allow the administrative process to be obstructed or overwhelmed by captious or purely obstructive protests." *Radio Carrollton*, Memorandum Opinion and Order, 69 FCC 2d 1138, 1150 (1978) (quoting *United Church of Christ v. FCC*, 359 F.2d 994, 1005 (1966) (brackets in original)).

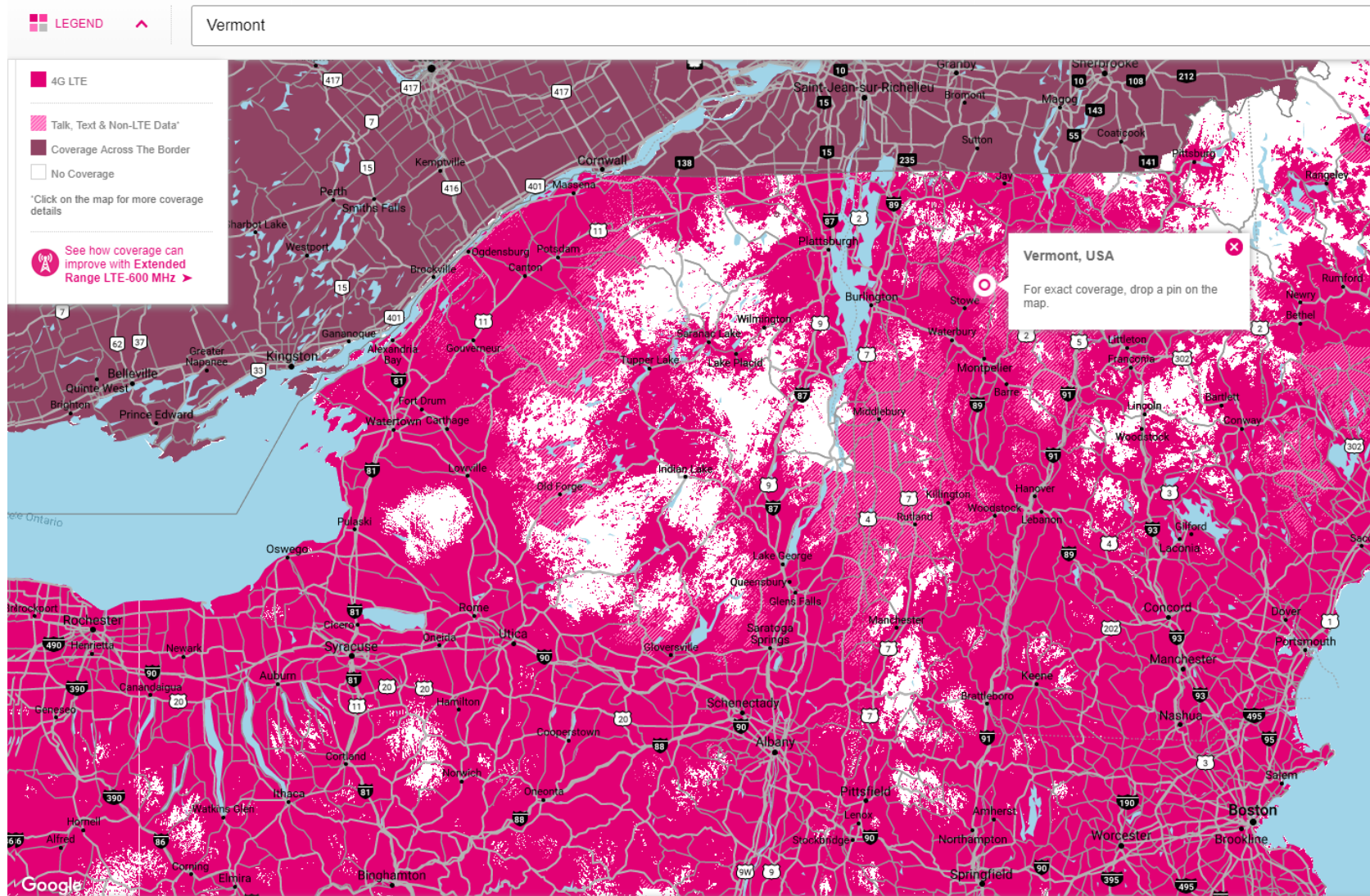
cc: Chairman Ajit Pai
Commissioner Michael O’Rielly
Commissioner Brendan Carr
Commissioner Jessica Rosenworcel
Commissioner Geoffrey Starks

Attachments

Appendix A: T-Mobile Regional Coverage Map for Vermont

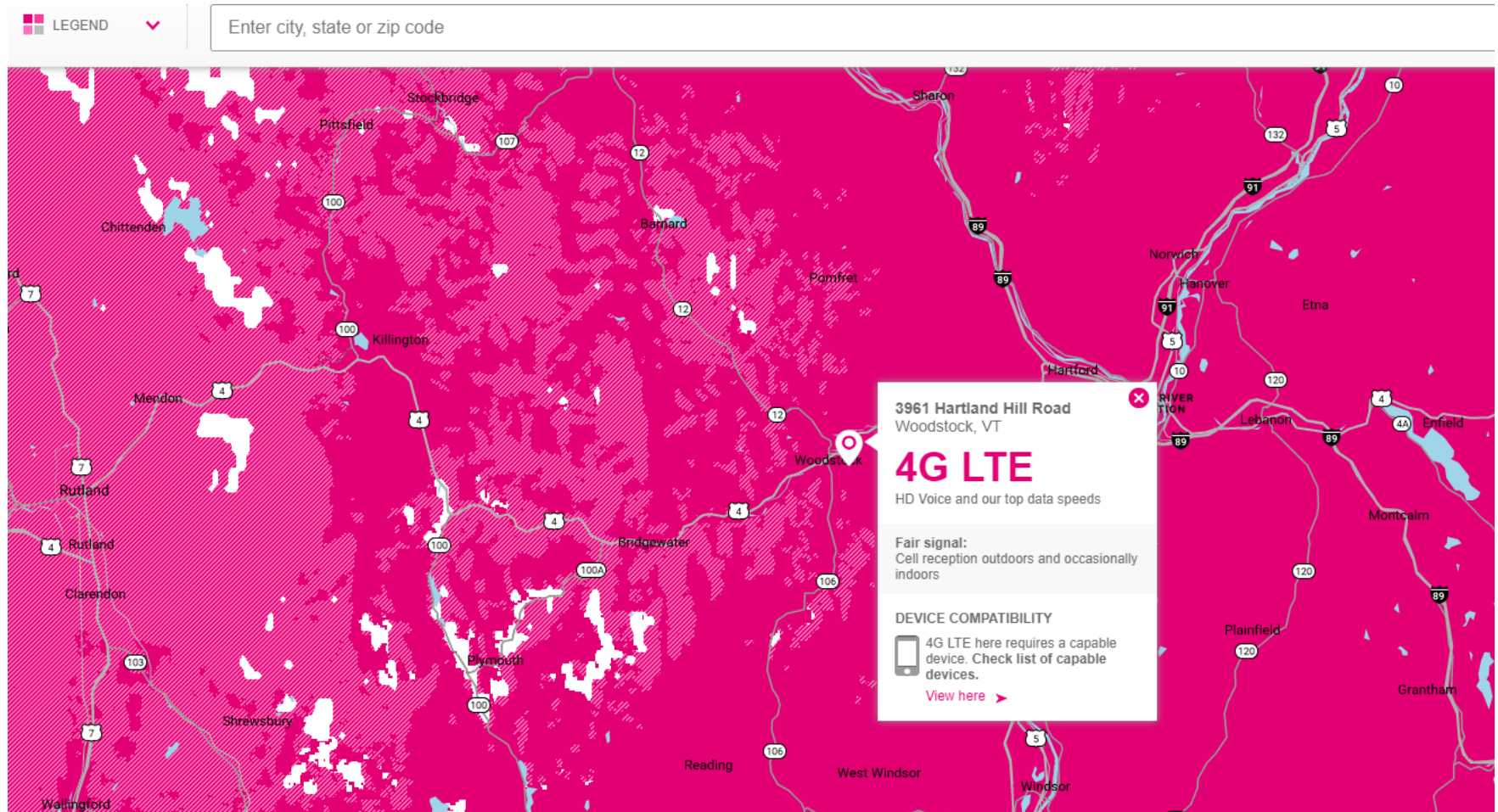


Appendix B: T-Mobile State Coverage Map for Vermont



FAQS ^

Appendix C: T-Mobile Local Coverage Map for Woodstock, Vermont (Facilities-Based Coverage)



Appendix D: T-Mobile Local Coverage Map for Woodstock, Vermont (Roaming Partner)

